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C O N F I D E N T I A L SECTION 01 OF 02 HO CHI MINH CITY 000158

SIPDIS

E.O. 12958: DECL: 3/4/2034  
TAGS: [PHUM KIRF](#) [PGOV VM](#)  
SUBJECT: THAI HA DEFENSE LAWYER UNDER PRESSURE

REF: A. (A) 2008 HANOI 1093 (THAI HA PARISHIONERS)  
[1](#)B. (B) 2008 HCMC 815 (BLOGGER DIEU CAY CONVICTED)  
[1](#)C. (C) HCMC 065 (TRIAL OF PASTOR HONG)

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CLASSIFIED BY: Kenneth J. Fairfax, Consul General, EXEC, State.  
REASON: 1.4 (b), (d)

[1](#)1. (C) SUMMARY: A prominent HCMC-based lawyer who has both a successful corporate practice and a lengthy track record of defending persons involved in human rights cases is himself now the subject of what appears to be a politically motivated series of charges. He is being prevented from defending his current clients, the parishioners involved in the Thai Ha church case in Hanoi, and if this case follows recent trends, his imminent arrest is a foregone conclusion. END SUMMARY.

From Defender to Accused

[1](#)2. (C) Le Tran Luat is a well-respected corporate lawyer and long-standing member of the HCMC Bar Association. He is also a leading defender of persons whom he believes are being prosecuted by the GVN for the political beliefs or their exercise of what should be protected human rights under the Vietnamese constitution. His recent defense of the Thai Ha parishioners (Ref A) in Hanoi and involvement in other land rights cases, however, has landed him squarely in the crosshairs of the same police and courts who arrest and convict many of his clients.

[1](#)3. (C) Following Luat's forceful defense of the Thai Ha parishioners, Cong An (Police) newspaper ran an article on February 24 article detailing alleged accusations of fraud and complaints that Luat's clients have filed against him. On February 25, police raided his HCMC law office, confiscating his records, computers and other office equipment. A friend who happened to be in his office at the time of the raid attempted to photograph the outrageous behavior of the police but was himself detained and his camera confiscated. The "case" against Luat and the way it is being pursued is alarmingly reminiscent of the way police and the courts generated trumped-up charges against blogger Dieu Cay and Mennonite Pastor Hong (Refs B and C).

[1](#)4. (C) For Luat, the "case" stems from a business dispute that Luat settled in arbitration years ago. Luat explained to us that his law firm had been involved in a business dispute that had gone to arbitration. Luat's firm agreed to abide by the arbitration body's ruling that it should pay a former business partner VND 84 million (about \$5,000). As per the arbitration agreement, Luat's firm paid the first half of the settlement immediately but waited to pay the second half until the other party certified that it accepted the ruling as the final resolution to the dispute. Luat said he previously tried to pay the second half, but court officials told him that they could

not accept the money until the former business partner filed the correct paperwork requesting the settlement. The court promised Luat that they would contact him when the partner filed the required papers. When Luat saw the Cong An article alluding to this "unpaid debt," he immediately ordered his staff to prepare a cash payment and take it down to the court. The court refused to accept it, however, this time saying the "implementation team" had already been dispatched to collect at Luat's office. Luat's staff again tried to pay in cash on February 25, but the authorities said they were taking five computers, a printer, and a photocopier in lieu of the cash payment.

15. (C) Even as Luat worked to untangle his own legal mess in HCMC, he continued to defend the Thai Hai parishioners. The linkage between the two cases became even more clear on March 3, when police prevented him from flying to Hanoi to meet his clients. The night before his scheduled departure, Luat said the airline informed him that his flight had been cancelled so Luat simply booked a flight on a different airline. When he left for the airport, however, he was tailed by plain-clothes police and then prevented from boarding his flight. He reports being taken into a room with a large number of police who informed him only that their superiors had ordered them not to allow him to board his flight. Luat was then taken to the Go Vap police station where he was detained without being booked or questioned until 11:30, at which time he was allowed to go home.

He was summoned to the station once again at 1:30 PM where he was once again held without being formally booked or even interrogated in anyway. He was eventually allowed to return home but plain-clothes police remain stationed around his home.

16. (C) Luat said that, in response to repeated questions, police explained to him that their instructions are that he is not allowed to go to Hanoi but that he will be allowed to travel to Ninh Thuan province, where the provincial bar association will discipline him for "wrongdoing" that the police have reported to the bar there but would not reveal to Luat. (Note: The February

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25 raid on Luat's offices was carried out in HCMC and ostensibly stems from an old business dispute in HCMC. Luat has no idea what "wrongdoings" the Ninh Thuan bar association plans to punish him for. End Note.) Following the planned March 5 disciplinary hearing in Ninh Thuan, Luat has been ordered to return to HCMC for a March 6 audit of his taxes.

Resistance Futile?

17. (C) Luat noted several irregularities regarding the actions taken by authorities. First, even if the order to enforce a past judgment were fully in order, authorities are required to give seven days' notice before "forcefully implementing" a ruling. The decision to take equipment over cash was also irregular, considering that authorities would then have to auction the goods in order to repay Luat's former client and the value of the used equipment was unlikely reach VND 42 million. All this led Luat to conclude the authorities' main reason for taking the equipment was to mine the data on the computers in order to look for more ways to accuse Luat of unlawful business practices.

18. (C) Luat's dim view of police actions and intents in his case are further supported by another Consulate contact and close colleague of blogger Dieu Cay who happened to be in Luat's office on the day of the raid. According to our contact, the MPS officer in charge of the raid is the same officer who supervised the development of the case against Dieu Cay (ref B).

In that case, the court upheld its initial conviction of the outspoken blogger on tax evasions charges after refusing to admit evidence clearly proving his innocence.

19. (C) COMMENT: Luat's case once again demonstrates the steps the GVN will take to stifle dissent. In addition, it also shows a continuation of the worrisome trend noted Ref B -- the increased tendency to generate nominally unrelated court cases in order to punish persons whose only "crime" is exercising free

speech. END COMMENT.

110. (U) This cable was coordinated with Embassy Hanoi.  
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